FILED
FEB 04 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff,

v.

Julio Alfonso RUIZ-Montano, Defendant.

Mag. Case No. '08 MJ 8100

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326
Attempted Entry After Deportation

The undersigned complainant being duly sworn states:

On or about February 2, 2008, within the Southern District of California, defendant Julio Alfonso RUIZ-Montano, an alien, knowingly and intentionally attempted to enter the United States of America with the purpose, i.e. conscious desire, to enter the United States without the express consent of the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, after having been previously excluded, deported or removed from the United States to Mexico, and not having obtained said express consent to reapply for admission thereto; and committed an overt act, to wit, crossing the border from Mexico into the United States, that was a substantial step towards committing the offense, all in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Senior Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 4th DAY OF FEBRUARY 2008.

PETER C. LEWIS
U.S. MAGISTRATE JUDGE

I, Senior Border Patrol Agent Michael Mikuski declare under penalty of Perjury, the following is true and correct:

PROBABLE CAUSE STATEMENT

The complaintant states that this complaint is based upon statements in the investigative reports by Border Patrol Agent J. Felix that on February 2, 2008, the defendant, a native and citizen of Mexico, was apprehended in Calexico, California, as he attempted to enter the United States approximately 3.5 miles east of the Calexico, California west Port of Entry.

The Calexico Border Patrol Station's Remote Video Surveillance Operator (RVSS) observed three individuals crossing north into the United States, by climbing over the International Boundary Fence with Mexico, and attempt to hide. The RVSS Operator guided Agent E. Uskokovic to the spot where the individuals were hiding. Agent Uskokovic located the group and identified himself to the group. Agent Uskokovic questioned the group and determined they are all natives and citizens of Mexico illegally in the United States, including one individual later identified as Julio Alfonso RUIZ-Montano. RUIZ and the others were arrested and transported to the Calexico Border Patrol Station for further processing.

During processing at the station, RUIZ' fingerprints were entered into the ENFORCE/IDENT/IAFIS systems. Record checks revealed RUIZ has been previously deported from the United States on September 5, 2002. Further record checks also revealed that RUIZ has a criminal and Immigration record.

Agent R. Markham witnessed Agent Felix read RUIZ his rights per Miranda. There is no evidence RUIZ has ever sought nor received permission to re-enter the United States from the Attorney General or his designee, the Secretary of Homeland Security.

Executed on February 3, 2008 at 9:35 AM.

Michael Mikuski
Senior Border Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page, I find probable cause to believe the defendant named in this probable cause statement committed the offense on February 2, 2008 in violation of Title 8, United States Code 1326.

2/3/2008 at 10:00 a.m.
Date/Time

Honorable Ruben Brooks
United States Magistrate Judge